

The words “An employee as defined by section 2105 of this title” are coextensive with and substituted for “Employees of the United States Government, . . . (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress)”.

The words “subsequent to May 1, 1940” are omitted as obsolete. The words “active duty in the armed forces” and “active duty” are substituted for “active military or naval service in the land or naval forces of the United States” and “active military or naval service”, respectively, on authority of the National Security Act of 1947, 61 Stat. 495, as amended. The words “by voluntary enlistment or otherwise” are omitted as unnecessary.

In paragraph (1), the words “in accordance with section 5551 of this title” are added on authority of former section 61b, which is carried into section 5551.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5553. Regulations

The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

(Added Pub. L. 102-378, §2(45)(A), Oct. 2, 1992, 106 Stat. 1353.)

SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

§ 5561. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency and a military department;

(2) “employee” means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph (5)(A)–(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United States or in a foreign country and who was not living there solely as a result of his employment;

is an employee for the purpose of this subchapter only on a determination by the head of the agency concerned that this status is the proximate result of employment by the agency;

(3) “dependent” means—

- (A) a wife;
- (B) an unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;
- (C) a dependent mother or father;
- (D) a dependent designated in official records; and
- (E) an individual determined to be dependent by the head of the agency concerned or his designee;

(4) “active service” means active Federal service by an employee;

(5) “missing status” means the status of an employee who is in active service and is officially carried or determined to be absent in a status of—

- (A) missing;
- (B) missing in action;
- (C) interned in a foreign country;
- (D) captured, beleaguered, or besieged by a hostile force; or
- (E) detained in a foreign country against his will;

but does not include the status of an employee for a period during which he is officially determined to be absent from his post of duty without authority; and

(6) “pay and allowances” means—

- (A) basic pay;
- (B) special pay;
- (C) incentive pay;
- (D) basic allowance for housing;
- (E) basic allowance for subsistence; and
- (F) station per diem allowances for not more than 90 days.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 489; Pub. L. 105-85, div. A, title VI, §603(d)(3), Nov. 18, 1997, 111 Stat. 1783.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(1)–(4)	50A U.S.C. 1001.	Mar. 7, 1942, ch. 166, §1, 56 Stat. 143. July 1, 1944, ch. 371, §1, 58 Stat. 679. May 16, 1947, ch. 70, §1, 61 Stat. 96. Aug. 29, 1957, Pub. L. 85-217, §1(a), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, §1(1), (2), 78 Stat. 437.
(5)	50A U.S.C. 1002(a) (3d through 66th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes).	Mar. 7, 1942, ch. 166, §2(a) (3d through 66th words and 96th through 120th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes); added July 1, 1944, ch. 371, §2, 58 Stat. 679. Apr. 4, 1953, ch. 17, §1(a), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, §1(b) (1st par.), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, §1(3)(A), (C), 78 Stat. 437.
(5)	50A U.S.C. 1014 (as applicable to §1002(a) (1st sentence)).	Mar. 7, 1942, ch. 166, §14 (as applicable to §2(a) (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21.
(6)	50A U.S.C. 1002(a) (96th through 120th words of 1st sentence, for definition purposes).	

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In paragraph (1), the word “agency” is substituted for “department”. The words “including such term when used in the amendment made by section 16” are omitted as surplusage. The words “an Executive agency and a military department” are coextensive with and substituted for “any executive department, independent establishment, or agency (including corporations) in